



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

December 14, 2009

Mr. Kirk Girard, Director  
Humboldt County Community Development Services

REDACTED

Re: Advisory Letter  
FPPC No. 08/112, Douglas Jager, Bill Trush, Andre Lehre, and Randy Klein

Dear Mr. Girard:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act (the Act)<sup>1</sup> found in Government Code section 81000, and following. We received a complaint alleging that after receiving a request for copies of Statement of Economic Interests ("SEI") for members of County of Humboldt Extraction Review Team ("CHERT"), the County of Humboldt failed to provide any copies of the SEIs as required under the Act. Additionally, the complaint alleged that the members of CHERT violated the SEI disclosure provisions of the Act by failing to disclose all required sources of income on their SEIs. After review of this matter, we have decided to close this matter with an advisory letter.

According to the County of Humboldt Conflict of Interest Code, designated employees shall file SEIs with their departments. SEIs for designated employees and designated boards, committees, councils, panels, task forces, advisory groups, coordinating councils, corporations, consultants and coalitions must be retained by their department. Members of CHERT are designated in the Humboldt County Conflict of Interest Code, and are required to file SEIs with the Humboldt County Community Development Services department. As the Director of Humboldt County Community Development Services, you are the filing officer responsible to ensure compliance with the Act.

As a filing officer, you are responsible to supply the necessary forms, determine if required documents have been filed, determine the completeness of the documents, notify people that

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

have failed to file of their filing obligation, report violations to the FPPC, and maintain a current list of all statements filed. (Government Code section 81010.)

As a matter of law, every report and statement filed pursuant to the Act, including SEIs, is a public record open for public inspection and reproduction as soon as practicable, "but in any event, not later than the second business day following the day on which it was received." (Gov. Code section 81008.) Failure to provide a public record after receiving a request is a violation of the Act.

Additionally, it is our understanding that the members of CHERT are paid directly from clients of CHERT, not by the County of Humboldt. As long as the members of CHERT are paid directly by the client, each client of CHERT that has paid a member of CHERT \$500 or more is a source of income and must be disclosed on their SEI. However, if the client of CHERT were making the payment to the County of Humboldt, then the client would not be considered a source of income. (Government Code section 87103.6.)

We have decided to close this matter with this advisory letter. Failure to comply with the provisions of the Act in the future may result in an enforcement action against you, including monetary penalties of up to \$5,000 for each violation. The information in this matter will be retained and may be considered should an enforcement action become necessary based on future conduct or newly discovered information.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or manuals, or guidance regarding your obligations, please call the FPPC's Toll-Free Advice line at 1-866-275-3772. Please also visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

If you have questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

REDACTED

Bridgette Castillo  
Commission Counsel  
Enforcement Division